



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, September 14, 2005

2005-0780 – Application for a Special Development Permit on a 3,125 square-foot site to an outdoor barbecue and beer and wine sales (alcohol service) to the existing business. The property is located at **127 South Murphy Avenue** (near E. Evelyn Ave) in a DSP-2 (Downtown Specific Plan/Sub-district 2) Zoning District. (APN: 209-06-003)

In attendance: Beatrice Ferns, Applicant; Christine Cassidy, Neighbor; Anne Dugan, Neighbor; Sylvia Gleason, Neighbor; Leigh Odum, Neighbor; Emra Ames, Neighbor; Bob Kiehl, Neighbor; Gerri Caruso Administrative Hearing Officer; Troy Fujimoto, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Troy Fujimoto, Project Planner, stated that the initial application proposed outdoor cooking and liquor (beer and wine) sales. However, after further review and analysis of the outdoor cooking impacts, the applicant decided to withdraw that request for outdoor cooking and only include adding beer and wine sales to the existing retail space. In addition, the applicant will convert the store into a delicatessen. The delicatessen is a permitted use in the DSP-2 zoning district and is not a part of this application. Mr. Fujimoto also stated that staff did receive a letter in opposition of the beer and wine sales. Staff does recommend approval.

Ms. Caruso opened the public hearing.

Beatrice Ferns, Applicant, received and reviewed a copy of the staff. Ms. Ferns also stated that seven dining locations have been shut down on Murphy.

Christine Cassidy, Neighbor, wanted to know if tables and chairs would be placed in the back patio.

Anne Dougan, Neighbor, stated that she is concerned with the beer and wine operation causing intoxicating behavior. She is also concerned with the hours of operation and loitering.

Sylvia Gleason, Neighbor, has the same concerns as Ms. Dougan.

Leigh Odum, Neighbor, has the same concerns as the other neighbors. Mr. Odum was also concerned as to what would prevent the business from becoming a bar.

Ms. Caruso stated that the business would have to apply for another permit with another hearing in order to change the business into a bar.

Emra Ames, Neighbor, has the same concerns as the other neighbors and believes that Murphy has too many bars and coffee shops.

Bob Kiehl, Neighbor, addressed the concerns of the neighbors and showed support for the project.

Ms. Ferns, Applicant, stated that since there was a lot of concern from the neighbors regarding tables and chairs in the patio area she will no longer be placing them out there.

Ms. Caruso closed the public hearing.

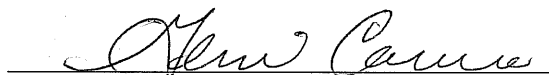
Ms. Caruso stated that out door dining in the front of the structure requires a separate permit and is not a part of the current application. She also stated that Murphy Avenue was developed as the restaurant and entertainment section of the city.

Ms. Caruso approved the permit subject to the Findings and Conditions of approval with an additional condition that no customer tables are allowed out back.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 3:00 p.m.

Minutes approved by:


Gerri Caruso, Principal Planner